

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

SEP 02 2020

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY W. J. [Signature]
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA LAWRENCE PEREZ (1),

Defendant.

SA 20 CR 0391 DAE
INDICTMENT

[Vio. 21 U.S.C. §§ 841(a)(1) and 841
(b)(1)(A) Possession with intent to
Distribute 50 grams or more of
Methamphetamine, a Schedule II
Controlled Substance;

Vio. 21 U.S.C. §§ 841(a)(1) and 841
(b)(1)(B) Possession with intent to
Distribute 100 grams or more of
Heroin, a Schedule I Controlled
Substance;

Vio. 18 U.S.C. § 924 (c)(1) Possession
of a Firearm in Furtherance of a Drug
Trafficking Offense;

Vio. 18 U.S.C. 922(g) (1) Felon in
Possession of a Firearm; and

Vio. 18 U.S.C. § 922(o) & 924(a)),
Unlawful Possession of a Machine
Gun]

THE GRAND JURY CHARGES:

COUNT ONE

[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)]

On or about March 26, 2020, in the Western District of Texas, Defendant,

JOSHUA LAWRENCE PEREZ,

did unlawfully, knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved 50 grams or more of Methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT TWO

[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)]

On or about March 26, 2020, in the Western District of Texas, Defendant,

JOSHUA LAWRENCE PEREZ,

did unlawfully, knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved 100 grams or more of a substance containing a detectible amount of Heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT THREE

[81 U.S.C. §924(c)(1)]

On or about March 26, 2020, in the Western District of Texas, Defendant,

JOSHUA LAWRENCE PEREZ,

did knowingly possess firearms, namely:

1. A Springfield 1911 45 caliber, Serial No. N495513;
2. an AK47 no Serial number;
3. an AR15 Pikes Tactical, Serial No. 041088 and
4. a Smith & Wesson 38 Super revolver, Serial No. DBD1546

in furtherance of a drug trafficking crime that may be prosecuted in a court of the United States, that is the offense alleged in Counts One and Two, in violation of Title 18, United States Code, Section 924(c)(1).

COUNT FOUR
[18 U.S.C. §922(g)(1)]

On or about March 26, 2020, in the Western District of Texas, Defendant,

JOSHUA LAWRENCE PEREZ,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, namely:

1. a Glock 36, 45 caliber, Serial Number UYW055;
2. a Drako AK47 rifle, Serial N. DB-9415-18RO;
3. a Glock 27 40 caliber pistol, Serial No. HMY271;
4. a Smith & Wesson M&P Shield 40 caliber, Serial No. HAW7408;
5. a Ruger 45 caliber, Serial No. 66422653;
6. an AR Wind Ham WW15, Serial No. WW022167;
7. an AR DPMS Pantera Arms A-15, Serial No. FFA035035;
8. a Ruger mini 14 223 cal. Rifle, Serial No. 183-98063;
9. a Savage 39 22 cal. lever action rifle, Serial No. 629668;
10. a Mossberg 12-gauge shotgun, Serial No. U636056;
11. a Kimber Tactical Pro II, Serial No. KRF6746;
12. a Springfield 1911 45 caliber, Serial No. N495513;
13. an AK47, Serial No. None;
14. an AR15 Pikes Tactical, Serial No. 041088; and
15. a Smith & Wesson 38 Super revolver, Serial No. DBD1546;

and the firearm had travelled in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922 (g)(1).

COUNT FIVE
[18 U.S.C. § 922(o) & 924(a)]

On or about March 26, 2020, in the Western District of Texas, Defendant,

JOSHUA LAWRENCE PEREZ,

did knowingly possess a machine gun, that is, a Glock, Model 27, .40 caliber pistol, serial number HMY271 and one magazine, marked as a Glock but manufactured by Glock, therefore, an unknown make and model, the magazine incorporates a selector switch and a metal "leg", which

is designed and intended to convert a semiautomatic, Glock-type pistol into a machinegun, in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

[See Fed. R. Crim. P. 32.2]

I.

Drug Violations and Forfeiture Statutes

[Title 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), (b)(1)(B), subject to forfeiture pursuant to Title 21 U.S.C. §§ 853(a)(1) and (2)]

As a result of the foregoing criminal violations set forth in Count One and Two, the United States of America gives notice to Defendant's **JOSHUA LAWRENCE PEREZ**, of its intent to seek the forfeiture of the below described properties upon conviction and pursuant to Fed. R. Crim. P. Rule 32.2 and Title 21 USC §§ 853(a)(1) and (2), which state:

Title 21 USC § 853. Criminal forfeitures

(a) Property subject to criminal forfeitures.

Any person convicted of a violation of this subchapter or subchapter II of this chapter punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law –

- (1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;
- (2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; ...

II.

Firearms Violation and Forfeiture Statutes

[Title 18 U.S.C. §§ 924(c)(1), 924(a) and 922(o), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461]

As a result of the criminal violations set forth in Counts Three and Four, the United States of America gives notice to Defendant **JOSHUA LAWRENCE PEREZ**, of its intent to seek the forfeiture of the below described properties upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, which states:

Title 18 U.S.C. § 924. Penalties

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (o) . . . of section 922 . . . or knowing violation of section 924 . . . shall be subject to seizure and forfeiture. . . under the provisions of this chapter. . .

This Notice of Demand for Forfeiture includes but is not limited to the following properties described below:


1. Glock 27 40 cal., SN: HMY271 w/Auto Fire Switch;
2. Glock 23, 40 cal. SN: KDW902; and
3. Any and all firearms, ammunition, and/or accessories involved in or used in the commission of the criminal offenses.

A TRUE BILL.


FOREPERSON

JOHN F. BASH
United States Attorney

By:


PRISCILLA GARCÍA
Assistant United States Attorney